

**NEUTRAL CASE EVALUATION
FOR
EQUITABLE DISTRIBUTION CASES**

The Circuit Court Judges have approved the practice of counsel for the parties selecting a Neutral Case Evaluator for a pending Equitable Distribution case. If both counsel can agree upon a Neutral Case Evaluator, and the Evaluator agrees to evaluate the case, then the case will not be assigned an evaluator by the NCE Coordinator.

In cases wherein Counsel can not agree on the selection of a Neutral Case Evaluator, call the NCE Coordinator, at (703) 246-3301 and the coordinator will select an Evaluator for you. Should the case settle, the attorneys should notify the civil docket clerk to remove the case from the docket.

The following forms are available for use by Counsel and the Neutral Case Evaluator:

1. Neutral Case Evaluation Guidelines for Equitable Distribution Cases
2. Statement of Understanding

NEUTRAL CASE EVALUATION GUIDELINES **FOR EQUITABLE DISTRIBUTION CASES**

The following cases will generally be **EXCLUDED** from neutral case evaluation, unless counsel and the evaluator agree otherwise:

1. Any case where a custody or visitation issue is outstanding.
2. Cases where a pro se party is involved.
3. Cases where there are complex tracing issues.
4. Cases involving novel issues of law or where an issue is a case of first impression in the Commonwealth.

In recognition of the fact that the evaluators are working *pro bono*, they shall also have the right to refuse a case that would require an inordinate amount of time to handle.

In addition, the NCE evaluator and counsel shall be responsible for determining any possible conflict with the NCE evaluator prior to the scheduling of the settlement conference. If a conflict is discovered, a new evaluator should be selected.

Rooms for Settlement conferences can be reserved at the Court on Monday or Wednesday mornings at 8:30 a.m. by calling Judges Cambers at (703) 246-2221. Evaluators may also hold settlement conferences at their own office.

Prior to the start of the settlement conference, all counsel and parties must complete a Statement of Understanding, outlining the terms and conditions of the settlement conference.

STATEMENT OF UNDERSTANDING

Please Note: This form will be signed by all individuals prior to the beginning of the conference session.

The attorney indicated below has been assigned to facilitate your case. He/she will help you resolve your dispute. He/she will not act as an attorney or advocate for any party. He/she will not provide legal advice. You have the opportunity to consult with independent legal counsel, and have done so as is evidenced by the signature of counsel below.

The parties and attorneys whose signatures appear below agree that all proceedings at their settlement conference, including any statement made or document prepared for the conference by any party, attorney or other participant, are privileged and shall not be disclosed in any subsequent proceeding or document, or construed for any purpose an admission against interest. The phrase "document prepared for the conference by any party, attorney or other participant" shall not be deemed to apply to any settlement agreement that may result from their conference. No party shall be bound by anything said or done at the conference unless a settlement is reached. If a settlement is reached, the agreement shall be reduced to writing and, when signed, shall be binding upon all parties to the agreement. Any agreement will affect your legal rights. You should have any agreement reviewed by your attorney prior to signing the agreement. The parties agree not to subpoena the evaluator or mediator or any documents submitted to the mediator or evaluator. In no event will a mediator or evaluator voluntarily testify on behalf of a party.

In any case where the dispute involves support of minor children of the parties, financial information, including information contained in the child support guidelines worksheet, and written reasons for any deviation from the guidelines shall be disclosed to each party and the court for the purpose of computing a basic child support amount pursuant to 20-108.2.

Please sign below to acknowledge that you have read and understand this Statement.

Plaintiff/Complainant	Defendant
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Counsel for Plaintiff/Complainant	Counsel for Defendant
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Date	Attorney
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Case Name: _____

Chancery Number: _____